

1 BILL NO. X-88-09- 17

2 ANNEXATION ORDINANCE NO. X-03-88

3 AN ORDINANCE amending Annexation  
4 Ordinance No. X-07-86 involving the  
5 territory commonly known as the Baer  
6 Field Industrial Annexation Area.

7 WHEREAS, the Common Council of the City of Fort Wayne  
8 did pass Annexation Ordinance No. X-07-86 which Ordinance  
9 annexed certain territory commonly known as the Baer Field  
10 Industrial Annexation Area to the City of Fort Wayne on the  
11 14th day of October, 1986; and

12 WHEREAS, said Annexation Ordinance No. X-07-86 was  
13 signed and approved by Win Moses, Jr. in his capacity as Mayor  
14 of the City of Fort Wayne on October 16th, 1986; and

15 WHEREAS, notice of the passage and adoption of  
16 Annexation Ordinance No. X-07-86 was published on October 21st,  
17 1986, and October 28th, 1986; and

18 WHEREAS, certain property owners within said territory  
19 filed a timely remonstrance against said annexation in the  
20 Allen Circuit Court, as Cause No. CC-86-2295 on December 18th,  
21 1986; and

22 WHEREAS, the Auditor of Allen County, Indiana, did  
23 certify to the Allen Circuit Court on December 18th, 1987, the  
24 percentage of remonstrators as required by law; and

25 WHEREAS, said certification indicates that the total  
26 number of property owners in the territory is 65 and that the  
27 total number of remonstrators is 48; and

28 WHEREAS, the City has entered into negotiations with  
29 certain property owners within said territory; and

30 WHEREAS, 17 property owners have agreed to withdraw  
31 from the remonstrance if the entry date for said territory to  
32 the City of Fort Wayne would be extended to December 31, 1994;  
and

WHEREAS, said agreement would eliminate uncertainty  
with respect to the pending litigation and avoid the  
expenditure of funds in opposing the remonstrance proceeding.



PAGE TWO

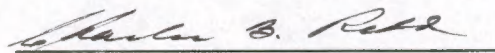
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 5. of Annexation Ordinance No. X-  
07-86 is hereby amended to read as follows:

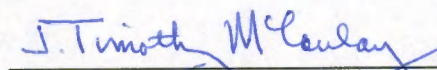
"Section 5: That after its passage, any and all necessary  
approval by the Mayor, due legal publication, and the  
required sixty (60) day remonstrance period, this  
Ordinance shall be in full force and effect. The above  
described territory shall become part of the City of Fort  
Wayne on December 31, 1994."

SECTION 2. That the entry date of said territory into  
the City of Fort Wayne may not be changed in the future  
without the express written consent of all of those property  
owners who have agreed to withdraw from the remonstrance in  
exchange for the change in entry date.

SECTION 3. That this Ordinance shall be in full force  
and effect after its passage, and any and all necessary  
approval by the Mayor, and due legal publication.

  
Councilmember

APPROVED AS TO FORM  
AND LEGALITY

  
J. Timothy McCaulay, City Attorney



Read the first time in full and on motion by Redd, seconded by Delmon, and duly adopted, read the second time by title and referred to the Committee on Annexation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 9-13-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Delmon, and duly adopted, placed on its passage. PASSED ~~Lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY				<u>✓</u>
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
STIER	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 9-27-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. X-03-88

on the 27th day of September, 1988,

Sandra E. Kennedy ATTEST  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
James Stier  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of September, 1988, at the hour of 11:30 o'clock 9 M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 6th day of October, 1988, at the hour of 5:25 o'clock P M., E.S.T.

P. Helmke  
PAUL HELMKE, MAYOR

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE ANNEXATION ORDINANCE

DEPARTMENT REQUESTING ORDINANCE LAW DEPARTMENT

SYNOPSIS OF ORDINANCE Establishes December 31, 1994, as the entry date

for the annexed territory known as the Baer Field Industrial

Annexation area. X-88-09-17

EFFECT OF PASSAGE will resolve pending remonstrance

EFFECT OF NON-PASSAGE pending remonstrance will continue

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_



BILL NO. X-88-09-17

REPORT OF THE COMMITTEE ON ANNEXATION

WE, YOUR COMMITTEE ON ANNEXATION TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending Annexation  
Ordinance X-07-86 involving the territory commonly known  
as the Baer Field Industrial Annexation Area

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) DO PASS

YES

NO

Charles B. Redd CHARLES B. REDD  
CHAIRMAN  
Janet G. Bradbury JANET G. BRADBURY  
VICE CHAIRPERSON  
David C. Long DAVID C. LONG  
Donald J. Schmidt DONALD J. SCHMIDT  
Samuel J. Talarico SAMUEL J. TALARICO

CONCURRED IN 9-27-88

Sandra E. Kennedy  
Sandra E. Kennedy  
City Clerk



LEGAL NOTICE

Notice is hereby given that on the 27th day of  
September, 1988, the Common Council of the City  
of Fort Wayne, Indiana, in a Regular Session did pass  
the following Bill No. X-88-09-17 Annexation  
Ordinance No. X-03-88 to-wit:

1 BILL NO. X-88-09-17

2 ANNEXATION ORDINANCE NO. X-03-88

3 AN ORDINANCE amending Annexation  
4 Ordinance No. X-07-86 involving the  
5 territory commonly known as the Baer  
6 Field Industrial Annexation Area.

7 WHEREAS, the Common Council of the City of Fort Wayne  
8 did pass Annexation Ordinance No. X-07-86 which Ordinance  
9 annexed certain territory commonly known as the Baer Field  
10 Industrial Annexation Area to the City of Fort Wayne on the  
11 14th day of October, 1986; and

12 WHEREAS, said Annexation Ordinance No. X-07-86 was  
13 signed and approved by Win Moses, Jr. in his capacity as Mayor  
14 of the City of Fort Wayne on October 16th, 1986; and

15 WHEREAS, notice of the passage and adoption of  
16 Annexation Ordinance No. X-07-86 was published on October 21st,  
17 1986, and October 28th, 1986; and

18 WHEREAS, certain property owners within said territory  
19 filed a timely remonstrance against said annexation in the  
20 Allen Circuit Court, as Cause No. CC-86-2295 on December 18th,  
21 1986; and

22 WHEREAS, the Auditor of Allen County, Indiana, did  
23 certify to the Allen Circuit Court on December 18th, 1987, the  
24 percentage of remonstrators as required by law; and

25 WHEREAS, said certification indicates that the total  
26 number of property owners in the territory is 65 and that the  
27 total number of remonstrators is 48; and

28 WHEREAS, the City has entered into negotiations with  
29 certain property owners within said territory; and

30 WHEREAS, 17 property owners have agreed to withdraw  
31 from the remonstrance if the entry date for said territory to  
the City of Fort Wayne would be extended to December 31, 1994;



without the cap-  
owners who have agreed to withdraw from the remonstrance in  
exchange for the change in entry date.

SECTION 3. That this Ordinance shall be in full force  
and effect after its passage, and any and all necessary  
approval by the Mayor, and due legal publication.

Charles B. Redd

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded,  
by Talarico, and duly adopted, placed on its passage. PASSED by the  
following vote:

Ayes: Eight

Bradbury, Burns, GiaQuinta, Long, Redd, Schmidt,  
Stier, Talarico

Nays: None

Abstained: None

Absent: One

Henry

DATE: 9-27-88

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana as Annexation Ordinance No. X-03-88 on the  
27th day of September, 1988.

ATTEST:

SEAL

Sandra E. Kennedy  
City Clerk

James S. Stier  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 28th day of September, 1988, at the hour of  
11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 6th day of October, 1988,  
at the hour of 5:25 o'clock P.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify  
that the above and foregoing is a full, true and complete copy of  
Annexation Ordinance No. X-03-88,  
passed by the Common Council on the 27th day of  
September, 1988, and that said Ordinance was  
duly signed and approved by the Mayor on the 6th day of  
October, 1988, and now remains on file and  
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,  
Indiana, this 6th day of October, 1988.

SEAL

SANDRA E. KENNEDY, CITY CLERK



# The City of Fort Wayne

October 10, 1988

Ms. April Minnick  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Minnick:

Please give the attached full coverage on the dates of  
October 13 & 20, 1988, in both the News Sentinel and  
Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. X-88-09-17  
Annexation Ordinance No. X-03-88  
Baer Field Industrial Annexation Area

Bill No. R-88-08-06 (as amended)  
Resolution No. R-60-88  
Water rationing emergencies

Please send us 4 copies of the Publisher's Affidavit from  
both newspapers.

Thank you.

Sincerely yours,

*Sandra E. Kennedy*  
Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 2



Ft. Wayne Common Council  
(Governmental Unit)

To: The Journal-Gazette  
P.O. Box 100  
Fort Wayne, IN  
Dr.

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)	
-- number of equivalent lines	
Head -- number of lines	1
Body -- number of lines	110
Tail -- number of lines	2
Total number of lines in notice	113

LEGAL NOTICE  
Notice is hereby given that on the 27th day of September, 1988, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-88-09-17 Annexation Ordinance No. X-03-88 to-wit:  
BILL NO. X-88-09-17  
ANNEXATION ORDINANCE NO. X-03-88  
AN ORDINANCE amending Annexation Ordinance No. X-07-86 involving the territory commonly known as the Baer Field Industrial Annexation Area.  
WHEREAS, the Common Council of the City of Fort Wayne did pass Annexation Ordinance No. X-07-86 which Ordinance annexed certain territory commonly known as the Baer Field Industrial Annexation Area to the City of Fort Wayne on the 14th day of October, 1986; and  
WHEREAS, said Annexation Ordinance No. X-07-86 was signed and approved by Win Moses, Jr. in his capacity as Mayor of the City of Fort Wayne on October 16th, 1986; and  
WHEREAS, notice of the passage and adoption of Annexation Ordinance No. X-07-86 was published on October 21st, 1986, and October 28th, 1986; and  
WHEREAS, certain property owners within said territory filed a timely remonstrance against said annexation in the Allen Circuit Court, as Cause No. CC-86-2295 on December 18th, 1986; and  
WHEREAS, the Auditor of Allen County, Indiana, did certify to the Allen Circuit Court on December 18th, 1987, the percentage of remonstrators as required by law; and  
WHEREAS, said certification indicates that the total number of property owners in the territory is 65 and that the total number of remonstrators is 48; and  
WHEREAS, the City has entered into negotiations with certain property owners within said territory; and  
WHEREAS, 17 property owners have agreed to withdraw from the remonstrance if the entry date for said territory to the City of Fort Wayne would be extended to December 31, 1994; and  
WHEREAS, said agreement would eliminate uncertainty with respect to the pending litigation and avoid the expenditure of funds in opposing the remonstrance proceeding.  
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:  
SECTION 1. Section 5. of Annexation Ordinance No. X-07-86 is hereby amended to read as follows:  
"Section 5: That after its passage, any and all necessary approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect. The above described territory shall become part of the City of Fort Wayne on December 31, 1994."  
SECTION 2. That the entry date of said territory into the City of Fort Wayne may not be changed in the future without the express written consent of all of those property owners who have agreed to withdraw from the remonstrance in exchange for the change in entry date.  
SECTION 3. That this Ordinance shall be in full force and effect after its passage, and any and all necessary approval by the Mayor, and due legal publication.  
Charles B. Redd  
Councilmember  
Read the third time in full and on motion by Redd, seconded, by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:  
Ayes: Eight  
Bradbury, Burns, GiaQuinta, Long, Redd, Schmidt, Stier, Talarico  
Nays: None  
Abstained: None  
Absent: One  
Henry  
DATE: 9-27-88  
Sandra E. Kennedy  
City Clerk  
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-03-88 on the 27th day of September, 1988.  
ATTEST:  
Sandra E. Kennedy  
City Clerk  
SEAL  
James S. Stier  
Presiding Officer  
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of September, 1988, at the hour of 11:30 o'clock A.M., E.S.T.  
Sandra E. Kennedy  
City Clerk  
Approved and signed by me this 6th day of October, 1988, at the hour of 5:25 o'clock P.M. E.S.T.  
Paul Helmke  
Mayor  
I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-03-88, passed by the Common Council on the 27th day of September, 1988, and that said Ordinance was duly signed and approved by the Mayor on the 6th day of October, 1988, and now remains on file and on record in my office.  
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 6th day of October, 1988.  
SANDRA E. KENNEDY, CITY CLERK

REGES  
columns wide equals 113 equivalent lines  
\$ 55.94  
ices containing rule or tabular work  
unt)  
2.00  
f publication (\$1.00 for each proof in excess of two)  
\$ 57.94  
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COST  
2.5 ems

s and penalties of Chapter 155, Acts 1953,  
foregoing account is just and correct, that the amount  
ter allowing all just credits, and that no part of the  
Trudy Sterling  
Clerk  
, 1988 Title:

PUBLISHER'S AFFIDAVIT

State of Indiana )  
) ss:  
Allen County )  
Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time s , the dates of publication being as follows:

10/13, 20/88  
Trudy Sterling  
Subscribed and sworn to before me this 20th day of Oct., 19 88.  
Shelley R. LaRue  
Notary Public  
My commission expires: March 3, 1990